

**NOT FOR PUBLICATION**

UNITED STATES COURT OF APPEALS

FOR THE NINTH CIRCUIT

**FILED**

NOV 21 2007

CATHY A. CATTERSON, CLERK  
U.S. COURT OF APPEALS

UNITED STATES OF AMERICA,

Plaintiff - Appellee,

v.

ROBERT LIONEL TOSON,

Defendant - Appellant.

No. 07-50169

D.C. No. CR-94-01136-GT

MEMORANDUM<sup>\*</sup>

Appeal from the United States District Court  
for the Southern District of California  
Gordon Thompson, Senior Judge, Presiding

Argued and Submitted November 8, 2007  
Pasadena, California

Before: B. FLETCHER, REINHARDT, and RYMER, Circuit Judges.

Richard Toson appeals the judgment and sentence imposed following the  
revocation of his supervised release. We affirm.

---

<sup>\*</sup> This disposition is not appropriate for publication and is not precedent  
except as provided by 9th Cir. R. 36-3.

Toson concedes that he violated the conditions of supervised release by failing to report as required to his probation officer. Given this, there is no need to reach the validity of the other (also Grade C) violations found by the district court. *See* U.S. Sentencing Guidelines Manual § 7B1.3(a)(2)(A) (2006).

Toson's *Apprendi* arguments are foreclosed by *United States v. Huerta-Pimental*, 445 F.3d 1220, 1221 (9th Cir. 2006), which remains good law.

AFFIRMED.